

**SUMMARY PROCESS (EViction)
ANSWER TO COMPLAINT**

JD-HM-5 Rev. 10-21
C.G.S. §§ 47a-4a, 47a-5, 47a-7, 47a-15, 47a-20,
47a-20e, 47a-23c, 47a-33, 47a-57, 49-31p

*This form is available
in other language(s).*

ADA NOTICE

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov



COURT USE ONLY

ANSWER

ASD



Name of case

Israel, Judith v. Israel Ellen, Et Al

Docket number

NWH-21-6006855

☐ Judicial District

☒ Housing Session

Address of Court (Number, street, and town)

17 Belden Avenue, Norwalk CT 06850

Section 1 - Summary Process (Eviction) Answer *As to Count 1*

For each numbered paragraph of the landlord's Complaint, select whether you **Agree**, **Disagree**, or **Do Not Know**.

- | | | | | | |
|-----------------------------------|--|---|--|--|--------------------------------------|
| 1. Agree <input type="checkbox"/> | Disagree <input checked="" type="checkbox"/> | Do Not Know <input type="checkbox"/> | 5. Agree <input checked="" type="checkbox"/> | Disagree <input type="checkbox"/> | Do Not Know <input type="checkbox"/> |
| 2. Agree <input type="checkbox"/> | Disagree <input checked="" type="checkbox"/> | Do Not Know <input type="checkbox"/> | 6. Agree <input type="checkbox"/> | Disagree <input checked="" type="checkbox"/> | Do Not Know <input type="checkbox"/> |
| 3. Agree <input type="checkbox"/> | Disagree <input checked="" type="checkbox"/> | Do Not Know <input type="checkbox"/> | 7. Agree <input type="checkbox"/> | Disagree <input type="checkbox"/> | Do Not Know <input type="checkbox"/> |
| 4. Agree <input type="checkbox"/> | Disagree <input type="checkbox"/> | Do Not Know <input checked="" type="checkbox"/> | 8. Agree <input type="checkbox"/> | Disagree <input type="checkbox"/> | Do Not Know <input type="checkbox"/> |

Section 2 - Special Defenses (Facts showing the court that the plaintiff has no legal right to evict you.)

Not all the special defenses listed below may apply to the reason(s) for eviction claimed by the landlord's complaint.

Select the special defenses that show the court that the plaintiff has no legal right to evict you and fill in the information requested.

- a. ☐ All rent has been paid to my landlord.
- b. ☐ Rent was offered to my landlord on (date): _____ which was before I received the Notice to Quit.
- c. ☐ The landlord accepted rent or otherwise waived the Notice to Quit after I received it.
- d. ☐ No rent is due under Connecticut law because of the housing or health code violations listed below:
-
- e. ☐ I notified ☐ my landlord, ☐ Housing Code, ☐ the Health Department, and/or ☐ the Building Department of the violations listed in section c, above, on (date): _____
- f. ☐ This eviction is being brought because I contacted ☐ my landlord and/or ☐ public officials or agencies to complain about my apartment.
- g. ☐ I filed a rent increase complaint with the Fair Rent Commission on (date): _____
- h. ☐ I live in a building or complex with 5 units or more or in a mobile manufactured home park and
☐ I have a physical or mental disability, or
☐ I am 62 years old or older, or
☐ my spouse, sibling, parent or grandparent is 62 years old or older and permanently lives with me, or
☐ my spouse, sibling, parent or grandparent has a physical or mental disability and permanently lives with me.
- i. ☐ This eviction was brought after a foreclosure action, and
☐ I have a written lease that is still in effect, or
☐ I never received a 90 day letter (notice) before the notice to quit was delivered (served).
- j. ☐ I remedied the issue(s) listed in the pre-termination notice delivered to me under Connecticut law.
- k. ☒ Additional reasons why I should not be evicted:

I was permitted to live in the premises located at 82 Rilling Ridge Road, New Canaan CT 06840 by my mother. I took care of her for many years. I believe I continue to be able to live in this premises and my sister, whom it has not been proven to me that she is an agent of my mother's is bringing this action as retaliation. I am elderly, ill, conserved and have no where to live.

Defendant's (Tenant's) Certification

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) 1/12/22 to all attorneys and self-represented parties of record, and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic delivery.

Name and address of each party and attorney that copy was mailed or delivered to:

Mark Sank & Associates
666 Glenbrook Rd, Stamford CT 06906

Signed (Attorney or self-represented party)



Print or type name of person signing

Michael LaMagna, Conservator

Mailing address

399 Knollwood Rd, Suite 201, White Plains, NY 10603

Telephone number

914 534 1048

Print Form

Reset Form

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Section 1 - Summary Process (Eviction) Answer *As to Count 2*

For each numbered paragraph of the landlord's Complaint, select whether you **Agree**, **Disagree**, or **Do Not Know**.

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☐ I have a physical or mental disability, or
☐ I am 62 years old or older, or
☐ my spouse, sibling, parent or grandparent is 62 years old or older and permanently lives with me, or
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Mark Sank & Associates
666 Glenbrook Rd, Stamford CT 06906

Signed (Attorney or self-represented party)



Print or type name of person signing

Michael LaMagna, Conservator

Mailing address

399 Knollwood Rd, Suite 201, White Plains, NY 10603

Telephone number

914 534 1048

Print Form

Reset Form

DOCKET NO: NWH-21-6006685S : HOUSING SESSION
ISRAEL, JUDITH : J.D. STAMFORD/NORWALK
v. : HOUSING SESSION
ISRAEL, ELLEN, ET AL : DECEMBER 10, 2021

AMENDED COMPLAINT

COUNT ONE

1. On or about January 1, 2016, the Defendant, **ELLEN ISRAEL** entered into an oral Lease with the Plaintiff, **JUDITH ISRAEL** (hereinafter “the Plaintiff”) for the use and occupancy of the premises located at 82 Rilling Ridge Road, New Canaan, CT 06840 (hereinafter the “Premises”).
2. The Defendant took possession of the Premises pursuant to said oral Lease.
3. The Defendant’s right to have possession of the Premises has terminated because of lapse of time.
4. On September 24, 2021, the Plaintiff caused a notice to be duly served on the Defendant to quit possession of the Premises on or before October 27, 2021. A copy of said notice is attached hereto and made a part hereof and marked Exhibit A.
5. On November 10, 2021, the Defendant, **MICHAEL LAMAGNA**, was appointed by the Probate Court of Darien-New Canaan, District No. PD 52, in the matter *Ellen Israel, Respondent (21-00241) Conservator of the Estate and Person of Ellen Israel*

6. Although the time designated in the notice for the Defendant, **ELLEN ISRAEL**, to quit possession of the Premises has passed, said Defendant still continues in possession.

COUNT TWO

- 1.-2. Paragraphs 1 and 2 of Count One are hereby incorporated as paragraphs 1 and 2 of this, Count Two.
3. The Defendant, **ELLEN ISRAEL**, originally had a right or privilege to occupy the Premises or any part thereof, but such right or privilege has terminated.
- 4.-6. Paragraphs 4 through 6 of Count One are hereby incorporated as paragraphs 4 through 6 of this, Count Two.

WHEREFORE, the Plaintiff claims a judgment for possession of the premises.

I, MARK A. SANK, the subscribing authority, hereby certify that I have personal knowledge as to the financial responsibility of the Plaintiff and deem her sufficient to pay the costs in this action.

Of this Writ, with your doings thereon, make due service and return.

Dated at Stamford, Connecticut this 10th day of December, 2021.



MARK A. SANK

MARK SANK & ASSOCIATES, LLC

ATTORNEYS AT LAW

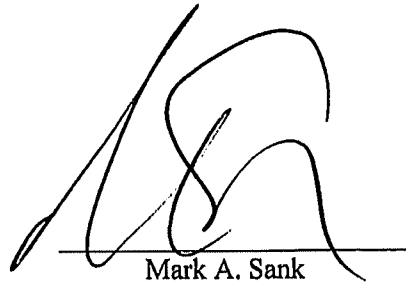
666 Glenbrook Road • Stamford, CT 06906 • Tel: (203) 967-1190 • Juris No. 421741

CERTIFICATION

This is to certify that a copy of the foregoing was mailed on December 13 2021 to the following parties of record:

Ellen Israel
82 Rilling Ridge Road
New Canaan, CT 06840

Michael, Lamagna,
Conservator of the Estate and Person
of Ellen Israel
1200 Summer Street, Suite 201C
Stamford, CT 06905

A handwritten signature in black ink, appearing to read 'Mark A. Sank', is written over a horizontal line.

Mark A. Sank

COURT OF PROBATE, Darien - New Canaan Probate Court		DISTRICT NO. PD52
ESTATE OF/IN THE MATTER OF		DATE OF CERTIFICATE
ELLEN ISRAEL, Respondent (21-00241)		November 10, 2021
FIDUCIARY'S NAME AND ADDRESS	FIDUCIARY'S POSITION OF TRUST	DATE OF APPOINTMENT
MICHAEL LAMAGNA, MICHAEL LAMAGNA, 1200 SUMMER STREET, SUITE 201C, STAMFORD, CT 06905	Conservator of Person and Estate	November 10, 2021

The undersigned hereby certifies that the fiduciary in the above-named matter has accepted appointment, is legally authorized and qualified to act as such fiduciary, and the appointment is unrevoked and in full force as of the above date of certificate.

This certificate is valid for one year from the date of the certificate.

The fiduciary has been granted the following duties and authority:

The Court assigns the conservator(s) of the estate the following duties and authorities that are the least restrictive means of intervention necessary to meet the needs of the conserved person:

Real property, subject to C.G.S. section 45a-656b

Tangible personal property

Stocks and bonds

Commodities and options

Banks and other financial institutions

Operation of entity or business

Insurance and annuities

Estates, trusts and other beneficial interests

Claims and litigation

Personal and family maintenance, subject to C.G.S. section 45a-655

Benefits from governmental programs or civil or military service

Retirement plans

Taxes

The conservator shall immediately determine whether the respondent owns or has access to firearms, ammunition or electronic defense weapons and take immediate steps to secure them.

The Court assigns the conservator(s) of the person the following duties and authorities that are the least restrictive means of intervention necessary to meet the needs of the conserved person:

Personal care, comfort, safety and maintenance

Medical or other professional care, subject to C.G.S. section 45a-656 (d)

Residence, subject to C.G.S. section 45a-656b

Personal effects

COURT OF PROBATE, Darien - New Canaan Probate Court

DISTRICT NO. PD52

ESTATE OF/IN THE MATTER OF

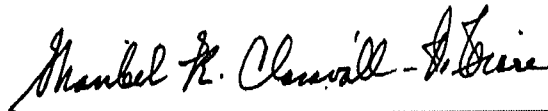
ELLEN ISRAEL, Respondent (21-00241)

DATE OF CERTIFICATE

November 10, 2021

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of this court on the above date of certificate.

Court
Seal



Maribel R. Claravall-DiFiore, Assistant Clerk

NOT VALID WITHOUT COURT OF PROBATE SEAL IMPRESSED

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MICHAEL LAMAGNA, MICHAEL LAMAGNA, 1200 SUMMER STREET, SUITE 201C, STAMFORD, CT 06905	Conservator of Person and Estate	November 10, 2021

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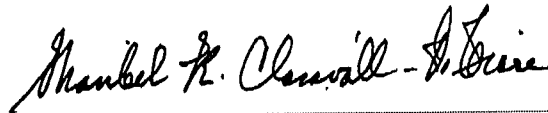
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COURT OF PROBATE, Darien - New Canaan Probate Court		DISTRICT NO. PD52
ESTATE OF/IN THE MATTER OF ELLEN ISRAEL, Respondent (21-00241)		DATE OF CERTIFICATE November 10, 2021
FIDUCIARY'S NAME AND ADDRESS MICHAEL LAMAGNA, MICHAEL LAMAGNA, 1200 SUMMER STREET, SUITE 201C, STAMFORD, CT 06905	FIDUCIARY'S POSITION OF TRUST Conservator of Person and Estate	DATE OF APPOINTMENT November 10, 2021

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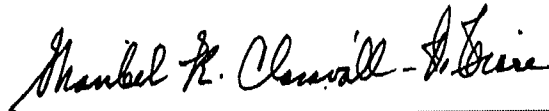
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FIDUCIARY'S NAME AND ADDRESS	FIDUCIARY'S POSITION OF TRUST	DATE OF APPOINTMENT
MICHAEL LAMAGNA, MICHAEL LAMAGNA, 1200 SUMMER STREET, SUITE 201C, STAMFORD, CT 06905	Conservator of Person and Estate	November 10, 2021

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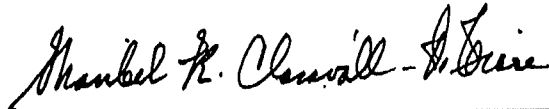
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ELLEN ISRAEL, Respondent (21-00241)

DATE OF CERTIFICATE

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FIDUCIARY'S NAME AND ADDRESS

MICHAEL LAMAGNA, MICHAEL LAMAGNA, 1200
SUMMER STREET, SUITE 201C, STAMFORD, CT
06905

FIDUCIARY'S POSITION OF TRUST

Conservator of Person and Estate

DATE OF APPOINTMENT

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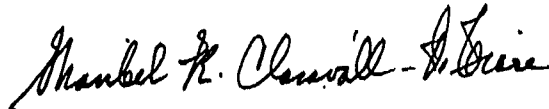
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